

## TRIAL OF THE RIOTERS.

COURT OF GENERAL SESSIONS—*Acc. 1.—Before Recorder Hoffmann.*

The court room was filled at an early hour. Among those present were a number of Jews who were interested in the case of Mark J. Silva. Several women were also present, supposed to be friends and relatives of the prisoners.

Thomas Cooney and Richard Lynch were brought to the bar charged with riot. The latter was a feeble old man in his shirt sleeves. He had an ugly scar upon his head. The other was a tall young man with a great deal of hair and not much head.

Mrs. Alice Heffernan depoised that she saw the prisoner moving their furniture, and thought that he would move his. He heard the cry of fire in the arch.

Cross-examined by the District-Attorney—He was at home watching his property, for there had been a rumor two days before that the Arch would be fired. He stood home because he expected a fire; and the neighbors clearing out their goods at night fall, and thought he would do so; did not see Sweeny with the barrels; saw boys with barrels.

Mrs. Alice Heffernan depoised that she saw the prisoner moving furniture; did not know what became of him afterward; she regarded prisoner as a peaceable man. She saw the man in Court who built the fire in the Thompson street. The District-Attorney told her to point out the man who built the fire. She declined to do so. Mr. Howe told her to point out the man, and she singled out Mr. Rose, a witness for the prosecution. The fire was made in the middle of the street, and did no harm, and was intended to do no harm.

The prisoner's counsel addressed the Jury. He maintained that the prisoner was the unfortunate victim of circumstances; he was with the mob, not as a rioter but as a peacekeeper—was called to the scene by a friend whose furniture was in danger; he removed the barrel from the arch, thus saving it from destruction.

The District-Attorney remarked that this case had been washed into the Court from the tide of riot that surged through the streets during the memorable week. He read the law defining riots, showing that any gathering of three or more persons tumultuously collected in the street constitutes a riot. He pointed the Constitution law, but a mob had no right to resist it. He held that the prisoner was only kept from burning the arch by the intercession of white men endeavoring to save their property. It was fortunate for the prisoner that he moved the barrels, or he might have stood at the bar to answer for the crime of arson.

After some further remarks from the District Attorney, the Recorder, in his usual terse and clear manner, defined the law and recapitulated the evidence.

He charged that the case before the Jury differed from that preceding it. If on the right in question, three or more persons met near the arch and excited terror, then that meeting was a riot; and if the prisoner was one of such a party, not for unlawful purposes, then he was a rioter. While he (the prisoner) is entitled to any reasonable doubt, the verdict should not depend upon speculative doubts. The testimony was before them, and they must decide.

The Jury then retired and shortly afterward returned with a verdict of guilty. In compliance with the wish of the prisoner's counsel he was remanded for sentence.

TRIAL OF THEODORE OSTERSTOCK.

Theodore Osterstock, charged with riot, was next brought up. The District Attorney called up Mr. Henry Verplanck who stated that he was a private watchman; as saw the rioters on Greenwich street, on the 14th of July; met them near the drug store; there were about three hundred persons marching in windows and doors; he left because he did not wish to be caught there; witness recognized the prisoner as one of the parties present.

Richard Fiske, arrested for being engaged with a number of others during the riot on the 14th of July, and striking Charles A. Scher on the head with a stone. Sent to the House of Refuge.

John Murphy, arrested for stealing twelve bedticks and other property from the Colored Half-Orphan Asylum. The stockholders and managers of this road have found that there is as much value in the five cents paid by a colored person as in the five cents paid by any white passenger, and, as common carriers, will convey persons of all colors, so long as they behave themselves with decency and propriety.

John Murphy, who was seen to break open the house of Major Osgood, No. 25 Fifth avenue, on the 14th, July, and was engaged with a company of four negroes in the Penitentiary.

John Murphy, arrested for stealing two coats, and sent to the House of Refuge.

Thomas Nugent and John Nugent, arrested for stealing one piece of cotton cloth, valued \$10, from Brody's clothing store, which was sent to the Penitentiary for two months, and the latter acquitted.

Margaret Peter, Ann McFerry, Elizabeth Quin and Frances Schenck, for stealing garments, &c., from W. N. C. Goss' store, and were sentenced to the Penitentiary for four months.

John Murphy, Christopher Sidney, arrested for patty lacrym and sent to the Penitentiary for four months.

John Murphy, arrested for being engaged with a number of others during the riot on the 14th of July, and striking Charles A. Scher on the head with a stone. Sent to the House of Refuge.

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